IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

Crl.MC.No. 2404 of 2007()

[CRIME NO.213/03 OF KANNUR TOWN POLICE STATION]

PETITIONER: ACCUSED

SUSRUTHAN, S/O.ACHUTHAN, AYADATHIL HOUSE, KADALAYI.P.O., EDAKKAD AMSOM, KANNUR.

BY ADV. SRI.T.A.RAMADASAN

RESPONDENTS: COMPLAINANT/STATE

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1. STATE OF KERALA, REP; BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. STATE REP; BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.2404 of 2007

Dated this the 26th day of July 2007

O R D E R

The petitioner's wife allegedly committed suicide. About the commission of suicide by her, two criminal cases are pending. The first one is against the petitioner alleging that he has abetted the commission of suicide. That case is now pending as S.C.No.924/2004. It stands listed for trial to 30/7/2007, it is submitted. Other case is a private complaint filed by the petitioner. In that complaint, he has alleged that the brother and other relatives of the wife have abetted the commission of suicide by his wife. That proceedings are pending before the learned Magistrate as C.P.No.33/2005. There is an order of stay in that case in Crl.M.C.No.339/2006 pending before this court. S.C.No.924/04 is now coming up after trial. The grievance of the petitioner is that if S.C.No.924/04 alone were taken up for trial without and before C.P.No.33/05 is committed that would work out great prejudice, hardship and injustice against the petitioner. For a proper, effective and fair trial, both cases must be heard and disposed of simultaneously by the same court. Otherwise failure of justice is likely to result. The two cases are in the

nature of a case and a counter case and in these circumstances there may be a direction that the learned Assistant Sessions Judge may not proceed with the trial in S.C.No.924/04, submits the learned counsel for the petitioner.

2. I am dissatisfied that the petitioner has come to this court only at the eleventh hour after the said S.C stood listed for trial. But all the same I find merit and justice in the prayer made. I am in these circumstances satisfied that there can be a direction to the learned Assistant Sessions Judge, Thalassery not to take up S.C.No.924/04 alone for trial and to wait for the committal of C.P.No.33/05, if it is later committed. Otherwise, the learned Sessions Judge shall continue with the proceedings in S.C.No.924/04 only after final orders disposing of C.P.No.33/05 is passed by the appropriate court.

3. This Criminal Miscellaneous Case is, in these circumstances, allowed. The registry shall communicate the order to the learned Assistant Sessions Judge, Thalassery forthwith so that the work schedule of that court may not be disturbed.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007